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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,707	11/18/2003	Mark A. Alcazar	MS1-1798US	5422
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LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201				
EXAMINER				
SEYE, ABDOU K				
ART UNIT		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/715,707

Applicant(s)

ALCAZAR ET AL.

Examiner

Abdou Karim Seye

Art Unit

2194

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 8-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/06)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Argument

1. Claims 1-6, 8-21 are pending in this application.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-6, 8-19 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by **Nagarajayya, et al. (US 6125402)**.

As to claims 1, 9 and 14, Nagarajayya teaches, the invention substa as claimed including a product, method and client device having computer-readable storage medium having computer-executable components, comprising :

a code host mechanism within the client device (FIG. 2: 240);

a body of code within the client device (FIG. 2:214), wherein:

in the event that the body of code includes a function call (FIG. 2: 216; FIG. 3; col. 8, lines 34-56; wherein the main logic code is the function if called determines where to host the code), the code host mechanism operates to cause the body of code

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to be hosted in a first hosting environment (FIG. 2; col. 7, lines 36-67; wherein a client 202 provides a first hosting environment);

in the event that the body of code does not include the function call, then the code host mechanism operates to cause the body of code to be hosted in a second hosting environment (FIG. 2; col. 8, lines 17-33; wherein a client 206 provides a second hosting environment for the application program).

As to claim 2, Nagarajayya teaches, wherein the body of code comprises an executable file (col. 8, lines 1-15).

As to claim 3, Nagarajayya teaches, wherein the function, when compiled, results in a byte signature within an executable code, the byte signature being indicative of the function call (The claimed element "JAVA program" of Nagarajayya's reference meets the claimed limitation of the claim).

As to claim 4, Nagarajayya teaches, wherein the first hosting environment comprises a browser hosting environment (FIG.2: 234, col. 7, lines 63-67).

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As to claim 5, Nagarajayya further teaches, wherein the second hosting environment comprises a standalone hosting environment (FIG. 2 : 208/244; col. 8, lines 34-40)

As to claim 6, it is rejected for the same reasons as claim 4 above.

As to claim 8, Nagarajayya teaches, wherein the public static function is called from within a public class included in the body of code (FIG. 2; col. 7, lines 48-55).

As to claim 10, it is rejected for the same reasons as claims 1, 9 and 14 above.

As to claims 11-13, they are rejected for the same reasons as claims 4-6 above.

As to claims 15-18, they are rejected for the same reasons as the claims 4-6 above.

As to claims 19 and 21, they are rejected for the same reasons as claim 8 above.

Claim Rejections - 35 USC § 103

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4. The following is a quotation of 35 U.S.C. 103 (a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 20 is rejected under 35 U.S.C. 103 (a) as being unpatentable over **Nagarajayya, et al. (US 6125402)**, in view of **Schmidt et al (US 6546554)**.

As to claim 20, Nagarajayya teaches, the invention substantially as claimed including product, method and a client device having computer-readable storage medium having computer-executable components as in claims 1, 9 and 14 above.

However, Nagarajayya does not explicitly teach, the executable file being configured to call the function.

Whereas, in the same field of endeavor Schmidt discloses configuration of an application downloaded on to a client from a browser for selecting the appropriate runtime hosting environment (col. 4, lines 39-41 and col. 6, lines 1-32).

It would be obvious to a person of ordinary skill in the art at the time the invention was made to modify Nagarajayya's invention with Schmidt's invention to include a configuration process for downloaded applications/executable code on to a client in order to provide appropriate runtime host environment. One would be motivated provide such mechanism in order to facilitate the launching of application directly from

a browser without having to execute them within the browser and to provide security against malicious code and protection of sensitive information in a client machine (Schmidt's; col. 2, lines 30-38, col. 11, lines 20-35).

Response to Arguments

6. Applicant's arguments filed on January 14, 2008 with respect to claims 1-6 and 8-21 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Abdou Seye whose telephone number is (571) 270-1062. The examiner can normally be reached on Mon - Fri, 7:30am - 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, An Meng can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

AKS

March 25, 2008

/Li B. Zhen/

Primary Examiner, Art Unit 2194